

**NORTH CAROLINA DEPARTMENT OF AGRICULTURE
CONTROLLED SUBSTANCES ABUSE AND ALCOHOL MISUSE
POLICY AND PROCEDURE**

1. Policy

It is the policy of the Department of Agriculture that all employees shall have the right to a workplace that is free of controlled substances and alcohol and that no employee will be permitted to perform job functions while under the influence of controlled substances or alcohol as identified in this policy. It is designed to eliminate accident causes which result from employee abuse of controlled substances or misuse of alcohol thereby protecting employee safety and safety of the general public. Additionally, this policy will ensure compliance with the Federal Highway Administration which is a division of USDOT.

2. Scope

This Policy affects those employees who are required to have a Commercial Driver's License (CDL) as a condition of employment.

3. Responsibility

Division Directors are responsible for implementation and compliance with this policy. The Personnel Division shall assist management when requested and coordinate overall department policy management.

4. Definitions

- 4.1 Commercial Driver's License (CDL) - A type of North Carolina Driver's license which is necessary for someone to have if that person operates a vehicle which:
- . has a gross vehicle or combination weight of 26,001 pounds or more, or
 - . is designed to carry 16 or more passengers, including the driver, or
 - . is required to be placarded by virtue of their hazardous cargo under the hazardous materials regulations.
- 4.2 Controlled Substance - For the purpose of complying with DOT CDL requirements, five classes of controlled substances are monitored: marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines.

- 4.3 Alcohol - ethyl alcohol.
- 4.4 Controlled Substance and Alcohol Coordinator (CSAC) - NCDA's Personnel Analyst responsible for recruitment and referral.
- 4.5 A Confirmed Positive Test Result - The detection of an illegal substance in the pure form or its metabolites at or above the specified threshold which was not determined by the MRO to have been caused by alternative medical explanation or scientifically insufficient data or, an evidential breath test result of 0.2 blood alcohol content or higher following an initial screen test result equivalent to 0.02 blood alcohol content or higher.
- 4.6 A Negative Test Result - No detection of an illegal substance in the pure form or its metabolites at or above the threshold level by a controlled substance test or, an evidential breath test result of less than 0.02.
- 4.7 Duty Times - On duty time includes time waiting to be dispatched; inspecting, servicing, or conditioning equipment; driving time, other than driving time in a commercial motor vehicle(exceptresttime);during any part of the loading/unloading process (including giving or receiving receipts); performing requirements relating to accidents; repairing or attending a disabled vehicle; providing breath or urine specimens for alcohol or drug testing required under DOT rules; performing any other work in the capacity, employ, or service of a common, contract, or private motor carrier or performing any compensated work from a non-motor carrier entity.
- 4.8 Refusal to test - Failing to provide an adequate breath or urine specimen upon request for required alcohol or drug testing (without a valid medical explanation), engaging in conduct that obstructs the testing process, or failing to be available for a post accident test will be considered a refusal to test and will be treated the same as a positive test.

5.0 Employee Testing Criteria

- 5.1 Applicants - Prospective employees must be tested post offer and prior to assuming their regular duties. Potential new hires shall be required to sign a consent form to allow NCDA to check employees' previous drug and alcohol testing information. Applicants who falsify information on their application shall not be considered or shall be immediately dismissed if falsification is found after applicant is hired. They shall test negative for controlled substances only before they can be hired. Consult NCDA's Medical Protocol for Alcohol and Controlled Substance Testing.

- 5.2 Random - 25% of all affected employees must be tested annually for alcohol and 50% for controlled substances. Successive annual testing percentages may be adjusted by DOT based on industry wide performance. Employees selected for random testing will be taken from the department-wide pool of CDL holders.
- 5.3 Post accident - Controlled substance and alcohol tests will be conducted after a vehicle accident if:
 - 5.3.1 A person was killed, or
 - 5.3.2 Employee was cited for a moving traffic violation arising from the accident.
- 5.4 Reasonable Suspicion - Testing is performed if a manager, supervisor or Department official has reasonable suspicion to believe that an employee's behavior or appearance may indicate controlled substance abuse or alcohol misuse. Only those supervisors, managers, or department officials who have received 2 hours of Department-sponsored training regarding detection of behaviors or appearances that indicate controlled substance or alcohol problems shall make reasonable suspicion determinations.

At the time of reasonable suspicion observation, the employee will be escorted to the specimen collection location by a supervisory level employee. Transportation will be provided. An employee who is required to submit to controlled substance or alcohol testing will be placed on investigatory suspension, with pay, pending test results. Alcohol testing should be done within two (2) hours of the observed behavior/condition. If the test cannot be done within eight (8) hours, it should not be done. Controlled substance testing must be done as immediately as practicable, but, no more than thirty-two (32) hours from the time of observed behavior/condition.

Determination to test for reasonable suspicion must be based on:

- 5.4.1 The visual or aural observations of a supervisor or Department official who has received specific training in the observation of controlled substance abuse and alcohol misuse related factors.
- 5.4.2 Specific, contemporaneous, clearly stated and documented observations concerning the appearance, behavior, speech or body odor of the employee will then be evaluated by a trained supervisor.

- 5.5 Return to Duty - Employees who previously violated alcohol and/or controlled substance rules must test negative before returning to duty. The employee is subject to at least six unannounced follow-up tests in the following 12 months after returning to duty and is subject to follow-up testing for an additional 4 years.

6.0 Personnel Actions

- 6.1 Employee Removal From Workplace - An employee who is removed from the workplace pending the results of a controlled substance or alcohol test will be placed on investigatory suspension in accordance with the State Personnel Manual, Section 9, Page 7, Paragraph B.
- 6.2 Employees with verified "positive" controlled substance test results or confirmed positive alcohol test results of 0.04 or above, will either be dismissed or placed on leave without pay and not allowed to return to the workplace without the satisfactory completion of any recommended treatment by the Employees' Assistance Program. Failure to satisfactorily complete Employees' Assistance Program recommended treatment will result in disciplinary action. A second offense will result in immediate dismissal.
- 6.3 Intermediate Alcohol Test Results - If an employee tests between 0.02 and 0.039, the employee will be placed on leave without pay for a 24 hour period. Repeated positive intermediate alcohol test results will be subject to Department authority to discipline employee.
- 6.4 Additional Procedures - Consult NCDA's Alcohol and Drug-Free Workplace Policy and Appendix A of this Policy.

APPENDIX A

I. Procedure for Post-Accident Alcohol and Controlled Substances Testing

- A. Immediately following a vehicle accident, the employee is responsible for:
 - 1. Notification of supervision as soon as possible.
 - 2. Acquiring medical attention for himself and others who may be hurt.
 - 3. Acquiring an alcohol/controlled substance test following any vehicle accident where:
 - a) a death has occurred;
 - b) the employee was cited for a moving traffic violation arising from the accident.
- B. Failure to obtain a controlled substance test within 32 hours and an alcohol test within 8 hours may result in disciplinary action unless adequate justification can be provided. After these times have elapsed, testing attempts will be discontinued and a report prepared stating reasons for failure to comply with required testing by immediate supervisor.
- C. The testing location will contact the Controlled Substances and Alcohol Coordinator (CSAC) with the test results. In the interim period while NCDA is awaiting test results, the employee will be placed on investigatory suspension with pay.
- D. For Positive Test Results - The CSAC will contact the supervisor/manager of the division instructing them to initiate personnel actions and/or management directed referral to Employees' Assistance Program.
- E. For Negative Test Results - The CSAC will document the test results and immediately notify the supervisor of the affected employee, who will notify the employee to return to work when physically able and with physician approval if employee is injured.
- F. The CSAC will compile and maintain all required records.

II. Procedure for Reasonable Suspicion Alcohol and Controlled Substances Testing

- A. Upon suspicion of controlled substances abuse or alcohol misuse utilizing the indicators provided in Controlled Substances and Alcohol training, the supervisor, manager or Department official will:

Talk with the employee about their behavior, advise them that they do not appear to be "ready for duty". Point out the behavior that concerns you. Do not accuse them of alcohol or drug abuse. It is advisable to have a "third party" present as witness to the conference.

For further consultation, contact either the Controlled Substance and Alcohol Coordinator at (919) 733-2243 or the Employees' Assistance Program at 1-800-543-7327.

- B. Transport the employee to the identified specimen collection site for your area as identified in Appendix B for controlled substances and alcohol testing.
- C. Following completion of reasonable suspicion testing, a suspected impaired employee should not drive himself/herself home. Assist the employee in making arrangements to have someone else drive them. If he/she refuses, explain that you will notify the proper authorities that he/she is possibly impaired and should not be driving.
- D. Document, in writing, immediately following the incident, the events leading up to and including your action. Include date, time and specifics. This documentation should occur within 24 hours of observed behavior or before test results of a controlled substance test are received, whichever is earlier. Forward this documentation to the Controlled Substances and Alcohol Coordinator.
- E. In the interim period while NCDA is awaiting test results, the employee will be placed on investigatory suspension.
- F. For Positive Test Results - The Controlled Substances and Alcohol Coordinator will contact the Supervisor/Manager instructing them to initiate personnel actions and/or management directed referral to the Employees' Assistance Program.
- G. For Negative Test Results - The Controlled Substances and Alcohol Coordinator will document the test results. The Controlled Substances and Alcohol Coordinator will immediately notify the supervisor of the affected employee, who will in turn notify the employee of return to work status. The successful completion of a controlled substances or alcohol test does not bar any other disciplinary or administrative actions deemed appropriate by the supervisor/manager in relation to the behavior which initiated a cause for reasonable suspicion testing.
- H. The Controlled Substances and Alcohol Coordinator will compile and maintain all required records.

APPENDIX B

PRIMARY COLLECTION FACILITIES AND EBT SITES

ASHEVILLE	Roche Biomedical Laboratories 2 Hendersonville Road Asheville, NC 28803 704-258-8564
BURLINGTON	Roche Biomedical Laboratories 847 Heather Road Burlington, NC 27215 910-570-0359
DURHAM	Roche Biomedical Laboratories 4113 Capital Street Durham, NC 27704 919-471-3440
FAYETTEVILLE	Roche Biomedical Laboratories 1643-A Owen Drive Fayetteville, NC 28304 910-483-1135
GREENSBORO	Roche Biomedical Laboratories 411-A Parkway Greensboro, NC 27401 910-370-9341
GREENVILLE	Roche Biomedical Laboratories 2253 Stantonsburg Greenville, NC 27834 919-758-1493
KINSTON	Roche Biomedical Laboratories 2902 North Heritage Street Kinston, NC 28501 919-523-0265
MT. AIRY	Roche Biomedical Laboratories 933 Old Rockford Street Mount Airy, NC 27030 910-786-7101

APPENDIX B

RALEIGH	Corporate Support Systems, Inc. 3412 Lake Woodard Drive Raleigh, NC 27604 919-231-6475
ROCKY MOUNT	Roche Biomedical Laboratories 132 N. Englewood Drive Rocky Mount, NC 27804 919-937-4313
SALISBURY	Roche Biomedical Laboratories 102 Mocksville Avenue Salisbury, North Carolina 28144 704-637-1000
WILMINGTON	Roche Biomedical Laboratories 2505 Delaney Avenue Wilmington, NC 28403 910-251-7828
WINSTON SALEM	Roche Biomedical Laboratories 3908 West Point Blvd., Suite E Winston Salem, NC 27103 910-659-0126

APPENDIX B

24 HOUR EMERGENCY ONLY SITES - NOT FOR ROUTINE TESTING

Urine collections and Evidential Breath Alcohol Testing

ASHEVILLE	St. Joseph's Urgent Care 8 New Leicester Hwy. Asheville, NC 28806 704-252-4878
FAYETTEVILLE	Collections Plus 410 Ramsey Street Fayetteville, NC 28301 910-485-4409
GREENSBORO	Moses Cone Hospital Lab 1200 North Elm Street Lab Area Greensboro, NC 27401 910-574-7071
KINSTON	Lenoir Memorial Hospital 100 Airport Road Kinston, NC 28501 919-522-7141
RALEIGH	Corporate Support Systems, Inc. 3412 Lake Woodard Drive Raleigh, NC 27604 919-231-6475
SALISBURY	Salisbury Roman Medical Center 401 Mocksville Avenue Salisbury, NC 28144 704-637-1123